

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

IN THE MATTER OF:)
)
Jasper County Site)
Superfund Site)
Jasper County, Missouri)
)
Lynden L. and G. Sue Carr,)
)
Respondents,)
)
Proceeding Under Section 104(e) of)
the Comprehensive Environmental)
Response, Compensation, and)
Liability Act, as amended,)
42 U.S.C. § 9604(e).)
_____)

ADMINISTRATIVE ORDER DIRECTING
COMPLIANCE WITH REQUEST FOR
ACCESS
And
NOTICE OF OPPORTUNITY TO
CONFER

U.S. EPA Region VII
Docket No.: CERCLA-07-2014-0005

ADMINISTRATIVE ORDER
DIRECTING COMPLIANCE
WITH REQUEST FOR ACCESS

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I. JURISDICTION

1. This Administrative Order (“Order”) is issued to Lynden L. and G. Sue Carr (hereinafter, “Respondents”), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(e)(5), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300.400(d)(4). This authority was delegated to the Administrator of the United States Environmental Protection Agency (EPA) on January 23, 1987, by Executive Order 12580, 52 Fed. Reg. 2923, and redelegated to the Regional Administrators of EPA on May 11, 1994, by EPA Delegation No. 14-6. The Regional Administrator, EPA Region VII, further delegated this authority to the Superfund Division Director, EPA Region VII, by Regional Delegation No. R7-14-006, updated September 16, 2007, and the authority was then delegated to the Superfund Branch Chiefs by Region 7, Divisional Delegation No. R7-DIV-14-006, last revised January 2, 2011.

2. This Order establishes that Respondents have denied EPA access to their real property, sets forth the relief EPA is seeking, and provides Respondents with an opportunity to confer with EPA regarding access.

II. STATEMENT OF PURPOSE

3. This Order requires Respondents to grant EPA and its authorized representatives entry and access to the property described in Paragraph 4 below (“the Property”) located in Joplin, Missouri for the purpose of taking a response action that may include, but is not limited to: removing trees, brush and vegetation from areas where metals exceed the action levels;

excavating and removing contaminated soil, sediment and mining wastes; transporting the soils sediments and mine wastes to adjacent mine pits for disposal; disposing of soils, sediments and mine wastes in the mine pits, filling the pits to the ground surface, then capping the pits with clay and topsoil, or; consolidating mine wastes into a single pile, either on or off the property, and capping with clay and topsoil; regrading the property to promote drainage and prevent ponding water; revegetating the disturbed areas with fescue grasses and; establishing property use restrictions through a deed notice under the Missouri Environmental Covenant Act for areas where wastes were disposed and capped on the property at the Jasper County Superfund Site (the "Site"). This Order further requires Respondent to refrain from interfering with access to the Property by EPA and its authorized representatives for the purposes set forth herein.

III. FINDINGS OF FACT

4. The Respondents own certain real property located at 5387 East Zora Road in Joplin, Missouri, identified as Jasper County Assessor Property Identification Number Parcel #1580280000008000. Appendix A contains the legal description of Respondents' Property. The Property contains about 68.43 acres all located within the Site. Approximately, 20 acres of the Property is covered with mining wastes that are subject to access and cleanup under this Order. Entry and access to Respondents' Property is necessary to cleanup these mining wastes and prevent exposure to contaminants of concern contained in mining wastes at this Site.

5. EPA has taken actions at the Jasper County Superfund Site in response to a release or a substantial threat of a release of hazardous substances within the Superfund Site. On August 30, 1990 (55 Fed. Reg. 35502), pursuant to section 105 of CERCLA, 42 U.S.C. § 9605,

EPA placed the Jasper County Site on the National Priorities, List, set forth at 40 C.F.R. Part 300, Appendix B. Pursuant to a Record of Decision (ROD) issued by EPA in September 2004, and amended on September 27, 2013, for the mining waste cleanup operable unit number one (OU1), incorporated herein by reference, the EPA selected a remedial action for this OU in 2004 and 2013, which requires cleanup of the mining wastes and contaminated surface waters at the Site.

6. The Site is in the Missouri portion of the Tri-State Mining District, which also includes portions of Kansas and Oklahoma. Historically, lead and zinc mining, milling and smelting operations generated about 150 million tons of mining and milling wastes within the Site, of which about 10 million tons remain on-site and some of these mining and milling wastes are on about seven acres of the Respondents' Property.

7. The Remedial Investigation (RI) conducted at the Site identified that the mining wastes contain concentrations of heavy metals, primarily cadmium, lead, and zinc, (i.e., the contaminants of concern or COCs) that cause unacceptable risk to human health and the environment. In addition, the RI identified COCs in the surface waters due to migration of mining wastes into surface water bodies. The levels of COCs in surface waters at this Site cause unacceptable risk to aquatic life.

8. Mining, milling wastes and soil samples collected from the Respondents' Property contain levels of Lead that exceed the action levels EPA selected for the remedy, i.e., concentrations at 400 ppm Lead. The data from samples collected at the Respondents' Property show the maximum level of Lead at 9,500 ppm. In addition, mining and milling wastes and

contaminated run-off from such wastes on the Respondents' Property are eroding and migrating to a tributary on the Property and then to Center Creek. Wastes from Respondents' Property contribute to contamination in the tributary and downstream in Center Creek sediments.

Sediment samples collected from Center Creek downstream of Respondents' Property contain levels of the COCs above the action levels established by EPA in the ROD for OU 1, which are 17 ppm Cadmium, 220 ppm Lead, and 2,950 ppm Zinc. The highest contaminant levels of the COCs observed in sediment samples from Center Creek down gradient of Respondents' Property are 62.4 ppm Cadmium, 449 ppm Lead, and 8,430 ppm Zinc.

9. To address the release or threatened release of a hazardous substance, pollutant or contaminant at and adjacent to the Property, EPA is conducting response actions in accordance with the OU1 ROD. These actions include performing selected remedial actions at the Respondents' property.

10. To perform the response actions described above, it will be necessary for employees, agents, contractors, and other representatives of EPA to enter the Property. The activities for which entry is required may include but are not limited to: removal of vegetation and soil, excavation, capping of mine wastes, and revegetation of the disturbed area.

11. EPA estimates that the duration of the required entry and access will be approximately six (6) months.

12. EPA has undertaken considerable efforts to obtain consensual access to Respondents' Property, but Respondents have refused access. The EPA project manager, and several EPA representatives contacted and met in person with Respondent Lynden L. Carr

several times in March, April and May 2014, including but not limited to a meeting on May 28, 2014, at Respondents' Property, where he refused to discuss access with EPA representatives any further. Despite these recent requests for entry and access in 2014, and other requests spanning several years beginning in 2012 to 2013, Respondents have refused to provide access for purposes of performing the response activities described above. Respondent Lynden L. Carr on several occasions demanded that EPA delay cleanup work on the property allowing him more time to sell mining wastes, locally known as "chat." Mr. Carr indicated that access would be granted eventually when the Agency needed to remediate and could not possibly delay any longer. On May 28, 2014, after being informed that EPA could not possibly delay access further, that cleanup of his property is essential for the Site, Respondent refused to sign a voluntary access agreement and literally shut the door on EPA representatives visiting his property.

13. EPA and its contractors have been ready to perform the sampling activities and initiate cleanup actions since May 1, 2014, but have been prevented from so doing because of the Respondents' refusal to grant access.

IV. CONCLUSIONS OF LAW AND DETERMINATIONS

14. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

15. Respondents are a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

16. Cadmium, lead and zinc are hazardous substances or pollutants or contaminants

within the meaning of Sections 101(14) and 101(23) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(23).

17. The past disposal and migration of a hazardous substance or pollutant or contaminant at or from the Property constitutes an actual “release” or a threat of such a release into the “environment” within the meaning of Sections 101(8) and 101(22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22), and thus, there is a reasonable basis to believe that there may be a release or threat of release within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 104(e)(1).

18. The property owned or controlled by Respondents referred to in Paragraphs 3 and 4 above is, or is adjacent to, a facility, establishment, or other place or property:

- a. where a hazardous substance or pollutant or contaminant has been generated, stored, treated, disposed of, or transported from; and
- b. from or to which a hazardous substance or pollutant or contaminant has been or may have been released; and
- c. where entry is needed to determine the need for response, to identify the appropriate response, or to effectuate a response action within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).

19. Entry to property owned or controlled by Respondents by the agents, contractors, or other representatives of the United States is needed for the purposes of taking a response action within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).

20. Respondents attempted to condition their grant of access to the property including but not limited to requiring Complainant to provide unlimited time to allow Respondents to sell chat. This conditional access amounts to a denial of access within the meaning of Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A), and 40 C.F.R. 300.400(d)(4)(i).

V. ORDER

21. Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, and the Administrative Record, Respondents are hereby ordered to provide EPA and its officers, employees, agents, contractors, and other representatives, full and unrestricted access at all reasonable times to the Property for the purpose of conducting response activities, including but not limited to:

- removing trees, brush and vegetation from areas where metals exceed the action levels;
- excavating and removing contaminated soil, sediments, and mining wastes;
- transporting the soils, sediments, and mine wastes to adjacent mine pits for disposal;
- disposing of soils, sediments, and mine wastes in the mine pits, filling the pits to the ground surface, then capping the pits with clay and topsoil, or;
- consolidating mine wastes into a single pile, either on or off the property, and capping with clay and topsoil;
- regrading the property to promote drainage and prevent ponding water;
- revegetating the disturbed areas with fescue grasses; and
- establishing property use restrictions through the Missouri Environmental Covenant

Act for areas where wastes were disposed and capped on the property.

22. Respondents shall not interfere with EPA's exercise of its access authorities pursuant to 42 U.S.C. § 9604(e) and 40 C.F.R. § 300.400(d), and shall not interfere with or otherwise limit any activity conducted at the Property pursuant to this Order by EPA, its officers, employees, agents, contractors, or other representatives. Any such interference shall be deemed a violation of this Order.

23. Nothing herein limits or otherwise affects any right of entry held by the United States pursuant to applicable laws, regulations, or permits.

24. This Order shall apply to and be binding upon Respondents and their successors, heirs and assigns, and each and every agent of Respondents and upon all other persons and entities who are under the direct or indirect control of Respondents, including any and all lessees of Respondents.

25. In the event of any conveyance by Respondents, or Respondents' agents, heirs, successors and assigns, of an interest in the Property, Respondents or Respondents' agents, heirs, successors and assigns shall convey the interest in a manner which insures continued access to the Property by EPA and its representatives for the purpose of carrying out the activities pursuant to this Order. Any such conveyance shall restrict the use of the Property so that the use will not interfere with activities undertaken or to be undertaken by EPA and its representatives.

Respondents, or Respondents' agents, heirs, successors and assigns shall notify EPA in writing at least thirty (30) days prior to the conveyance of any interest in the Property, and shall, prior to the transfer, notify the other parties involved in the conveyance of the provisions of this Order.

VI. ENFORCEMENT

26. Compliance with this Order shall be enforceable pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). A court may impose a civil penalty on Respondents of up to \$37,500 for each day that Respondents unreasonably fail to comply with this Order, as provided in Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 78 Fed. Reg. 66643 (November 6, 2013), 40 C.F.R. Part 19.4. In addition, any person who is liable for a release or threat of release of a hazardous substance or pollutant or contaminant and who fails to comply with this Order may be liable for punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the public health, welfare, or the environment arising from conditions at the Property, and recovery of the costs thereof.

27. Nothing in this Order constitutes a waiver, bar, release, or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondents, or against any entity which is not a party to this Order.

28. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders to or take any other administrative or civil action against Respondents or any other parties under CERCLA which relate to this Property or any other site.

29. Nothing in this Order constitutes a decision on preauthorization of funds under

Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

VII. ADMINISTRATIVE RECORD

30. EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. It is available for review by appointment at the EPA Regional Office in Lenexa, Kansas. To review the Administrative Record, please contact Jane Kloeckner at (913) 551-7235 to make an appointment. A copy of the Administrative Record is also available for viewing at the following:

Webb City Public Library
101 South Liberty
Webb City, Missouri 64870.

VIII. OPPORTUNITY TO CONFER

31. Within seven (7) business days after receipt of this Order by Respondents, Respondents may request a conference with EPA, to be held no later than ten (10) business days after Respondents' request, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondents are ordered to take, or any other relevant and material issues or contentions which Respondents may have regarding this Order. Respondents may appear in person or by an attorney or other representative at the conference. Respondents may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or at least two business days before the effective date of this Order if Respondents do not request a conference. EPA will deem Respondents to have waived their right to the conference or to submit written comments if it fails to request the conference or

submit comments within the specified time period(s). Any request for a conference or written comments or statements should be submitted to:

Jane Kloeckner
Office of Regional Counsel
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard, Lenexa, Kansas 66219
Telephone: (913) 551-723
Kloeckner.jane@epa.gov

IX. EFFECTIVE DATE: COMPUTATION OF TIME

32. This Order shall be effective five business days after its receipt by Respondents or Respondents' designated representative (whichever is first) unless a conference is timely requested as provided above. If a conference is timely requested, then at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondents by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondents or their legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

33. For purposes of this Order, the term "day" shall mean a calendar day unless expressly stated to be a business day. "Business day" shall mean a day other than a Saturday,

Sunday, or federal legal holiday. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next business day.

X. NOTICE OF INTENT TO COMPLY

34. On or before the effective date of this Order, Respondents shall notify EPA in writing whether Respondents will comply with the terms of this Order. Respondents' failure to notify EPA of their unconditional intent to fully comply with this Order by the time the Order becomes effective shall be (1) construed as a denial of EPA's request for access, and (2) as of the effective date of the Order, treated as a violation of the Order. Such written notice shall be sent to:

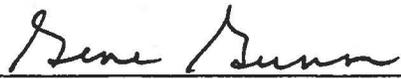
Jane Kloeckner
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Telephone: (913) 551-7235
Kloeckner.jane@epa.gov

XI. TERMINATION

35. This Order shall remain in effect until Gene Gunn, Chief, SPEB Branch, or his designee notifies Respondents in writing that access to the Property is no longer needed.

SO ORDERED.

Date: 7/29/14



Gene Gunn
Chief
SPEB Branch
Superfund Division

APPENDIX A: Legal Description

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ROUTE: 249
COUNTY: Jasper
PROJECT: J7U0436
PARCEL: 12

GENERAL WARRANTY DEED

(1) **PARTIES:** THIS AGREEMENT, made this 31st day of August, 2000, by and between Lynden L. Carr and G. Sue Carr, husband and wife, Grantors, of the County of Jasper, and State of Missouri, and the STATE OF MISSOURI, acting by and through the MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION, Grantee.

GRANTEES ADDRESS: P. O. Box 1445, Joplin, Missouri 64802

(2) **CONSIDERATION:** Grantors, in consideration of the sum of Twenty-eight Thousand and no/100--- DOLLARS (\$28,000.00), to be paid by the Missouri Highway and Transportation Commission, the receipt of which is hereby acknowledged, do hereby grant, bargain and sell, convey and confirm fee simple title in the property described in this deed.

(3) **PROPERTY DESCRIPTION:** Grantor conveys to the Missouri Highway and Transportation Commission of Missouri the following described real estate and interests in real estate in the County of Jasper, State of Missouri:

All that part of grantor's land in the Southeast Quarter of the Southwest Quarter of Section 28, Township 28 North, Range 32 West, Jasper County, Missouri, lying within widths as designated on both sides of the following described center line of highway, now known as Route 249, containing 3.403 hectare (8.41 acre) more or less.

Commencing at the Southeast Corner of Section 20, Township 28 North, Range 32 West, Jasper County, Missouri, thence North 12°17'45" East a distance of 1968.317 meters to a point in the center line of highway at Station 1 + 616.219, said point being the point of beginning of center line description; thence in a Southwesterly direction on a spiral curve to the right, with an X distance of 91.384 meters along the main tangent, and a Y distance of 2.393 meters offset from the main tangent, a distance of 91.415 meters to Spiral to Curve Station 1 + 707.634; thence on a curve to the right, with a Radius of 582.169 meters and a delta angle of 17°21'16.5", a distance of 176.336 meters to Point of Tangent Station 1 + 883.970; thence South 54°12'24" West a distance of 140.602 meters to Point of Curve Station 2 + 024.572; thence on a curve to the left, with a

Radius of 875 meters and a delta angle of $59^{\circ}58'49''$, a distance of 915.997 meters to Point of Tangent Station 2 + 940.568; thence South $02^{\circ}46'25''$ East a distance of 892.431 meters to Station 3 + 832.999, said Station being 242.640 meters South $87^{\circ}13'35.3''$ West of the common corner of Sections 20, 21, 28 and 29, all in Township 28 North, Range 32 West; thence continuing South $02^{\circ}46'25''$ East a distance of 95.929 meters to Point of Curve Station 3 + 928.928; thence on a curve to the left, with a Radius of 1500 meters and a delta angle of $26^{\circ}27'13.6''$, a distance of 692.558 meters to Point of Tangent Station 4 + 621.486; thence South $29^{\circ}13'38''$ East a distance of 1126.096 meters to Station 5 + 747.582, said point being 276.221 meters South $60^{\circ}46'21.7''$ West of the common corner of Sections 28, 29, 32 & 33, all in Township 28 North, Range 32 West; thence continuing South $29^{\circ}13'38''$ East a distance of 849.342 meters to Point of Curve Station 6 + 596.924; thence on a curve to the right, with a Radius of 2000 meters and an angle of $23^{\circ}25'08''$, a distance of 817.474 meters to Station 7 + 414.398, said point being 334.186 meters South $84^{\circ}11'29.7''$ West of the common corner of Sections 3 and 4 both in Township 27 North, Range 32 West; thence continuing on said curve to the right, with a Radius of 2000 meters and an angle of $7^{\circ}43'28.5''$, a distance of 269.639 meters to Point of Tangent Station 7 + 684.037, said curve having a total delta angle of $31^{\circ}08'36.5''$; thence South $01^{\circ}54'58''$ West a distance of 261.642 meters to Point of Curve Station 7 + 945.679; thence on a curve to the left, with a Radius of 2500 meters and a delta angle of $09^{\circ}18'53.5''$, a distance of 406.437 meters to Point of Tangent Station 8 + 352.116; thence South $07^{\circ}23'55''$ East a distance of 176.546 meters to Point of Curve Station 8 + 528.662; thence on a curve to the right, with a Radius of 2500 meters and a delta angle of $08^{\circ}32'54.5''$, a distance of 372.998 meters to Point of Tangent Station 8 + 901.660; thence South $01^{\circ}08'59''$ West a distance of 65.537 meters to Station 8 + 967.197, said point being 222.425 meters South $89^{\circ}46'55.8''$ West of the common corner to Sections 3, 4, 9 and 10, all in Township 27 North, Range 32 West; thence continuing South $01^{\circ}08'59''$ West a distance of 32.803 meters to Station 9 + 000.

Widths on the left or Easterly side are herein described as follows: A tract of land increasing in width from 52.105 meters (170.9 feet) wide at Station 5 + 268.242 to 114.722 meters (376.4 feet) wide at Station 5 + 493.021; then increasing in width on a curve to the right, with a Radius of 320 meters and a delta angle of $19^{\circ}22'54.5''$, a distance of 108.248 meters to a point 126.256 meters (414.2 feet) wide at Station 5 + 600.135, then increasing in width to 159.778 meters (524.2 feet) wide at Station 5 + 673.386.

Also, all that part grantor's land lying on the right or Westerly side of the following described center line of highway.

Also, all abutter's rights of direct access between the highway now known as Route 249 and grantor's abutting land in the Southeast Quarter Southwest Quarter of Section 28, Township 28 North, Range 32 West, Jasper County, Missouri.

Also, a permanent easement for drainage across 0.020 hectare (0.05 acre) more particularly described as follows: Beginning at a point 98.291 meters (322.5 feet) left of Station 5 + 435.098, thence North 44 degrees 56'10" East 10 meters (32.8 feet); thence South 45 degrees 03'50" East 20 meters (65.6 feet); thence South 44 degrees 56'10" West 10 meters (32.8 feet); thence North 45 degrees 03'50" West 20 meters (65.6 feet) to the point of beginning.

The drainage easement will be constructed on only part of said land, the extra land being included for men and machinery to work and turn on. After completion of construction of the drainage ditch, the owners of said land may fence, and shall have the free and uninterrupted possession and use of said tract, subject only to the Missouri Highway and Transportation Commission's right, if it should so elect, to enter thereon from time to time for the purpose of maintaining said drainage easement.

Also, all abutter's right of direct access between Zora Road (the center line of which is hereinafter located and described) grantor's abutting land in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, both in Section 28, Township 28 North, Range 32 West, Jasper County, Missouri, between Stations 0 + 120.000 and 0 + 330.000, except it is reserved and excepted to grantor, their heirs, successors and assigns, the usual right of direct access over a 9 meter entrance centered at the existing Southerly line of Zora Road opposite Station 0 + 185. Grantors reserve the right to widen said above-described entrance to a maximum width of 60 feet at their own expense. Such widening shall be in accordance with a permit issued by Commission on application by grantors, their heirs, successors, or assigns.

The center line of Zora Road is located and described as follows: Beginning at Zora Road center line Station 0 + 500.000, which is a common point with Route 249 center line Station 5 + 610.413, thence South 89°33'13.2" East a distance of 200 meters to Point of Intersection Station 0 + 300.000; thence North 82°58'54.7" East a distance of 140.773 meters to Point of Intersection Station 0 + 159.227; thence South 89°33'13.2" East a distance of 39.227 meters to Station 0 + 120.000.

The North line of Zora Road is located and described as follows: A tract of land increasing in width from 6.096 meters (20 feet) at Station 0+120.000 to 8.222 meters (27 feet) at Station 0+175.053, then increasing in width to 10.545 meters (34.6 feet) at Station 0+194.000, then increasing in width to 24.384 meters (80 feet) at Station 0+330.000.

OCTOBER 21, 1999

2-150613-0000

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first

BK 1611 PGO 707

15-8-23-0-0-8-0

*Esther W. Carr TR
AKA Esther Moore Carr*

QUIT-CLAIM DEED

C

THIS DEED, made and entered into this 15th day of October, 1999, by and between Wilbur P. Carr, party of the first part of Benton County, Missouri, grantor, and THOMAS F. WHEELER, TRUSTEE under a Trust Agreement dated August 20, 1980 for the benefit of Maxine Carr, party the second part of Jasper County, Missouri, grantee. (Grantee's mailing address: 4884 Hwy 43, Joplin, Missouri 64804)

WITNESSETH, that the said party of the first part, in consideration of the sum of One Dollar paid by the said party of the second part (the receipt of which is hereby acknowledged) does by these presents **REMISE, RELEASE** and **FOREVER** Quit-claim unto the said party of the second part and his heirs and assigns, the following described Lots, Tracts, or Parcels of land lying, being and situate in the County of Jasper, State of Missouri, to-wit:

The Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) and the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), except railroad rights-of-way located over and across said land of Section 28, Township 28, Range 32, and except Empire District Transmission line right-of-way along the South line of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 28, Range 32, and except Cities Service Gas Company pipeline right-of-way, to-wit: A strip of land 2 rods wide of the South side of the Southeast Quarter (SE1/4) of Section 28, Township 28, Range 32, all in Jasper County, Missouri.

2-150613-0000

DC

25259

BK 1618160824

TRUSTEE WARRANTY DEED

Filed for Record on _____, 19____, at _____ o'clock _____ M. in
 _____ County, Mo. Document No. _____ recorded in Book
 _____ Page _____
 _____ Recorder of Deeds

THIS DEED, Made and entered into this 8 day of DEC., 1999 by and between Thomas F. Wheeler, Trustee under a Trust Agreement dated August 20, 1980 for the benefit of Maxine Carr, parties of the first part of Jasper County, Missouri, grantors, and Lynden L. Carr and G. Sue Carr (his wife), parties of the second part of Jasper County, Missouri, grantees. (Grantees' mailing address: 5387 E. Zora Rd., Joplin, MO, 64801).

WITNESSETH that the said party of the first part, in consideration of the sum of Ten Thousand Dollars paid by the said parties of the second part (the receipt of which is hereby acknowledged), does by these presents **GRANT, BARGAIN, SELL, CONVEY AND CONFIRM** unto the said parties of the second part, the following described Real Estate situated in the County of Jasper and State of Missouri, to-wit:

The Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) and the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) and except Empire District Transmission line right-of-way along the South line of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 28, Range 32, and except Cities Service Gas Company pipeline right-of-way, to-wit: A strip of land 2 rods wide off the South side of the Southeast Quarter (SE1/4) of Section 28, Township 28, Range 32, all in Jasper County, Missouri.

